

Alan Alexander Beck
Law Office of Alan Beck
2692 Harcourt Drive
San Diego, CA 92123
(619) 905-9105
Hawaii Bar No. 9145
Alan.alexander.beck@gmail.com

Stephen D. Stamboulieh
Stamboulieh Law, PLLC
P.O. Box 4008
Madison, MS 39130
(601) 852-3440
stephen@sdslaw.us
MS Bar No. 102784
**Admitted Pro Hac Vice*

Attorneys for Plaintiffs
ANDREW TETER & JAMES GRELL

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

ANDREW TETER and JAMES GRELL	) Civil No. 1:19-cv-00183 ACK-WRP
)
)
Plaintiffs,	) PLAINTIFFS' SEPARATE CONCISE
	) STATEMENT OF FACTS IN SUPPORT
v.	) OF MOTION FOR SUMMARY JUDG-
	) MENT; DECLARATION OF COUNSEL;
CLARE E. CONNORS, in her	) DECLARATION OF ANDREW TETER;
Official Capacity as the Attorney	) DECLARATION OF JAMES GRELL;
General of the State of Hawaii and AL	) DECLARATION OF BURTON RICHARDSON; EXPERT REPORT OF
CUMMINGS in his Official Capacity	) BURTON RICHARDSON; DEPOSITION
as the State Sheriff Division	) OF ROBIN NAGAMINE; CERTIFICATE
Administrator	) OF SERVICE
Defendants.	) TRIAL: June 16, 2020 – 9:00 AM
_____	) JUDGE: Hon. Alan C. Kay
	) HEARING: Not Scheduled

**PLAINTIFFS' SEPARATE CONCISE STATEMENT OF FACTS IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

In accordance with Rule 56.1 of the Local Rules for the United States District Court for the District of Hawaii, Plaintiffs Andrew Teter and James Grell submit their concise statement of undisputed facts in support of their concurrently-filed Motion for Summary Judgment.

FACT	EVIDENTIARY SUPPORT
1. Plaintiff Andrew Teter is adult male residents of the State of Hawaii.	Dec. of Andrew Teter ¶1; Ex "A"
2. Plaintiff Teter has never been convicted of a crime which would dispossess him of his Second Amendment rights; has never been convicted of a felony; has never been convicted of a misdemeanor crime of domestic violence and is not prohibited from owning firearms.	Dec. of Teter ¶3; Ex "A"
3. Plaintiff Teter has not been deemed to have a mental illness from any mental health professional.	Dec. of Teter ¶4; Ex "A"
4. Plaintiff Teter does not use illegal drugs or abuse alcohol.	Dec. of Teter ¶5; Ex "A"
5. Plaintiff Teter wants to purchase, own, possess and carry butterfly knife for self-defense outside and inside his home.	Dec. of Teter ¶6; Ex "A"
6. Under current Hawaii law, Plaintiff Teter cannot possess, own, or carry a butterfly knife.	Dec. of Teter ¶7; Ex "A"; <i>See also</i> H.R.S. §134-53

7. Plaintiff James Grell is adult male residents of the State of Hawaii.	Dec. of James Grell ¶1; Ex “B”
8. Plaintiff Grell has never been convicted of a crime which would dispossess him of his Second Amendment rights; has never been convicted of a felony; has never been convicted of a misdemeanor crime of domestic violence and is not prohibited from owning firearms.	Dec. of Grell ¶3; Ex “B”
9. Plaintiff Grell has not been deemed to have a mental illness from any mental health professional.	Dec. of Grell ¶4; Ex “B”
10. Plaintiff Grell does not use illegal drugs or abuse alcohol.	Dec. of Grell ¶5; Ex “B”
11. Plaintiff Grell wants to purchase, own, possess and carry butterfly knife for self-defense outside and inside his home.	Dec. of Grell ¶6; Ex “B”
12. Under current Hawaii law, Plaintiff Grell cannot possess, own, or carry a butterfly knife.	Dec. of Grell ¶7; Ex “B”; <i>See also</i> H.R.S. §134-53
13. Burton Richardson is an expert on the butterfly knife and knife fighting due to decades of training with knives and martial arts.	Dec. of Burton Richardson, ¶ 3; Exhibit “C”
14. A butterfly knife opens more slowly than a modern pocket knife.	Dec. of Burton Richardson, pp. 3-4; Exhibit “C”
15. Butterfly knives open more slowly than a switchblade knife.	Dec. of Burton Richardson, p. 6; Exhibit “C”
16. Butterfly knives were invented in the Philippines.	Dec. of Burton Richardson, ¶ 4; Exhibit “C”; Deposition of Robin Nagamine Tr. 26:5-7; Exhibit “E”.

17.A butterfly knife is designed to be used by a single person, either for self-defense or offense.	Deposition of Robin Nagamine Tr. 24-25:15-5; Exhibit “E”.
18.A knife is less dangerous than a handgun.	Deposition of Robin Nagamine Tr. 27:19-21; Exhibit “E”.
19.Lt. Nagamine testified that an arm could be anything “[i]f it’s something that could be used as a weapon to harm others – it could be a stick.”	Deposition of Robin Nagamine Tr. 21:17-19; Exhibit “E”.
20.Butterfly knives are illegal only in Hawaii, New Mexico and the state of Washington.	<i>See</i> HRS 134-53; NM Stat § 30-7-8; and RCW 9.41.250.

Dated: Madison, Mississippi, January 14, 2020.

Respectfully submitted,

/s/ Alan Beck

Alan Alexander Beck

/s/ Stephen D. Stamboulieh

Stephen D. Stamboulieh

Stamboulieh Law, PLLC

**Admitted Pro Hac Vice*